

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DAWN GAIKOWSKI,

Plaintiff,

-VS-

Case No. 22-cv-12023

Wayne County Case No. 22-008899-NO

TARGET CORPORATION, a Foreign
Profit Corporation,

Defendant.

BRIAN L. FANTICH (P60935)
CARRA J. STOLLER (P64540)
ADAM J. GANTZ (P58558)
LAW OFFICE OF KELMAN & FANTICH
Attorneys for Plaintiff
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KENNETH P. WILLIAMS (P55790)
KRISTINA DUKANAC (P84549)
SEGAL McCAMBRIDGE SINGER &
MAHONEY
Attorneys for Defendant
29100 Northwestern Hwy., Suite 240
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NOTICE OF REMOVAL

TO: The United States District Court, Eastern District of Michigan,
Southern Division

NOW COMES the Defendant, TARGET CORPORATION, a Minnesota Corporation, by and through its attorneys, SEGAL McCAMBRIDGE SINGER & MAHONEY, and hereby removes this action and gives notice to Plaintiff of the removal of this action from the Circuit Court of the State of Michigan, County of

Wayne, to the United States District Court for the Eastern District of Michigan, Southern Division, and respectfully shows unto this Court as follows:

1. That TARGET CORPORATION is the only Defendant in a civil action brought against it in the Circuit Court for the County of Wayne, State of Michigan, entitled “DAWN GAIKOWSKI, Plaintiff v. TARGET CORPORATION, Defendant,” Case No: 2022-008899-NO, and that attached hereto are **Exhibit 1**, Summons and Complaint; **Exhibit 2**, Appearance, Answer to Complaint, Affirmative Defenses; **Exhibit 3**, Jury Demand; **Exhibit 4**, Plaintiff’s First Set of Interrogatories Directed to Defendant Target Corporation; and **Exhibit 5**, Plaintiff’s Request for Production of Document/Things, and constitute all process and pleadings served by and upon the parties in such action; and that no further proceedings have been had therein.

2. That the above-captioned action is a civil action over which this Court has original jurisdiction under the provisions of Title 28, United States Code, Section 1332(a) and is one which may be removed to this Court by the petitioner, Defendant herein, pursuant to the provisions of Title 28, United States Code, Section 1441(a), in that it is a civil action wherein the Plaintiff claims damages in an amount in excess of \$25,000.00, exclusive of interest, costs and attorney fees, by virtue of the claim for damages due to the injuries to Plaintiff sustained, including injuries to right shoulder resulting in torn rotator cuff requiring surgery; permanent scarring;

cognitive deficits; neurological deficits; severe headaches; injuries to her head, neck, back and spine; nerve damage; severe injuries to her upper and lower extremities; decrease in gross and fine motor skills; severe shock, as well as physical pain and suffering, claimed to be due to the alleged incident at the Target store in this case located at 47330 Michigan Avenue, Canton, Michigan, together with the claim of medical expenses and future medical expenses.

3. That this notice of removal is filed in a timely and proper manner inasmuch as this notice of removal is filed within one (1) year of the filing of the lawsuit on July 26, 2022. 28 USC 1446(b)(3).

4. Where the state court rule provides that a plaintiff may not aver a specific amount for unliquidated damages, the defendant may remove the case upon receipt of a paper relating to the amount in controversy by which it is first ascertained that the case is or has become removable. 28 USC 1446(c)(2)(A)(ii), (3)(A). Michigan is a state that prohibits a specific amount being demanded for unliquidated damages such as the injuries Plaintiff claims. MCR 2.111(B)(2).

5. That further, this matter may be removed to federal court on the basis of diversity of citizenship under Title 28, United States Code, Section 1332(a)(1) in that Plaintiff, DAWN GAIKOWSKI, is a resident and citizen of the County of Wayne, Michigan, and Defendant is a Minnesota corporation with its principal place of business in Minneapolis, Minnesota, and is not a citizen of the State of Michigan

in that it is neither incorporated in, nor has its principal place of business in, the State of Michigan.

WHEREFORE, Defendant gives notice that the above action now pending against it in the Circuit Court of the County of Wayne, State of Michigan is removed therefrom to this Court.

SEGAL McCAMBRIDGE SINGER &
MAHONEY

By: /s/ Kenneth P. Williams

KENNETH P. WILLIAMS (P55790)

KRISTINA DUKANAC (P84549)

Attorneys for Defendant

29100 Northwestern Hwy., Suite 240

Southfield, MI 48034

248-994-0060

Dated: August 29, 2022

NOTICE TO STATE COURT AND COUNSEL OF REMOVAL

BRIAN L. FANTICH (P60935)

CARRA J. STOLLER (P64540)

ADAM J. GANTZ (P58558)

Attorney for Plaintiff

CLERK OF THE COURT

Wayne County Circuit Court

PLEASE TAKE NOTICE that the above-captioned cause has been removed from the Wayne County Circuit Court, State of Michigan, to the United States District Court for the Eastern District of Michigan, Southern Division, and that attached hereto is a copy of the Notice of Removal which was duly filed on August

29, 2022, in said Court. The case has been assigned to Federal Judge _____ and is designated as Civil Action No. 22-cv-12023.

SEGAL McCAMBRIDGE SINGER &
MAHONEY

By: /s/ Kenneth P. Williams
KENNETH P. WILLIAMS (P55790)
KRISTINA DUKANAC (P84549)
Attorneys for Defendants
29100 Northwestern Hwy., Suite 240
Southfield, MI 48034
248-994-0060

Dated: August 29, 2022

CERTIFICATE OF SERVICE

I hereby certify that on August 29, 2022, a copy of the foregoing Notice of Removal was filed and served electronically via MiFILE TrueFiling electronic filing system (or, to the extent such service could not be accomplished because the recipients are not yet registered for electronic service, via first-class U.S. Mail, postage prepaid) to the following parties and counsel:

BRIAN L. FANTICH (P60935)
CARRA J. STOLLER (P64540)
ADAM J. GANTZ (P58558)
Law Office of Kelman & Fantich
30903 Northwestern Hwy., Suite 270
Farmington Hills, MI 48334
kelmanandassociates@yahoo.com

Clerk of the Court
Wayne County Circuit Court

/s/ Kimberly Ollila